# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/773,190 | 01/31/2001 | Robert E. Allen | AUS920010007US1 | 4500 |

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| EXAMINER |
|---|
| OYEBISI, OJO O |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3628 | |

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| | 09/773,190 | ALLEN ET AL. |
| *Office Action Summary* | Examiner | Art Unit | |
| | OJO O. OYEBISI | 3628 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on <u>09 December 2005.</u>

2a)☐ This action is **FINAL.**     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

In view of the Appeal Brief filed on 12/9/05, PROSECUTION IS HEREBY

REOPENED. This is set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee

and appeal brief fee can be applied to the new appeal. If, however, the appeal

fees set forth in 37 CFR 41.20 have been increased since they were previously

paid, then appellant must pay the difference between the increased fees and the

amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

### *Claim Rejections - 35 USC § 112*

1.      The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

2.      Claims 1-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the

time the application was filed, had possession of the claimed invention. The

specification, as originally filed, does not provide support for the invention as is

now claimed, i.e., disconnecting said server terminal from said client device, and

re-connecting said server terminal to said client device. More specifically, the

specification, as originally filed, does disclose a method in which a client is able

to initiate an ongoing electronic transaction between a communication device and

a network site, a separate port is established for the subsequent direct

transmission of transaction status messages from the network site back to the

user device. There is no mention of disconnecting said server terminal from said

client device, and re-connecting said server terminal to said client device as

implied by claims 1, 13, 25, 26, and 28.

### Claim Rejections - 35 USC § 102

3.     The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.     **Claims 1, 2, 7, 9, 13, 14, 19, 21, 25-27** are rejected under 35 U.S.C. 102(b) as

being anticipated by Potter et al (Potter hereinafter: U.S. Patent 5,787,402).

**Re claim 1:** Potter discloses a method for processing electronic transactions, said

method comprising: receiving input by a server terminal from a client device over a first

communication port to initiate an electronic transaction (i.e., By inputting information in

response to prompts on the screen, the system quickly identifies the nature of the

transaction the customer desires and the customer inputs the characteristics of the

transaction the user desires. The system then automatically generates an offer in

response to the customer's request based upon a number of parameters including the

market price, the size and nature of the transaction and the size and nature of the

client, see the abstract, also see col.6, lines 8-45); said electronic transaction requiring

a subsequent communication of an occurrence of a subsequent event from said server

terminal to said client device (i.e., The FX Order Server regularly receives and monitors

FX rates received directly from the Rate Server, and updates the Order Blotter

accordingly 732. In turn, the client PC, when receiving the updated Order Blotter

information from the FX Order Server, gives an audio and visual warning when an

order is 3% away (subsequent events) from a target FX rate and changes the color-

code. The warning is repeated when an order is 1% away (subsequent events), see

col. 14 lines 10-25), establishing a second communication port on said client device for

directly coupling said server terminal to said client device (note, the step of establishing

a communication port between a client and a server for a transaction i.e., to transmit

data, and establishing another communication port (second communication port) for

coupling server terminal to said client device to receive data can be implemented in

any TCP/IP enabled full duplex data communication device, a full duplex transmission

uses two communication channel (ports) so that devices on each end of the

transmission can transmit and receive data at the same time, this is like two lane road

i.e., travel is permitted in both directions, each direction of travel in a designated lane,

Potter operates in a TCP/IP enabled full duplex communication environment (see fig.

1), thus inherently very well satisfies this condition), disconnecting said server terminal

from said client device (i.e., if the customer delays for too long a period of time to

accept in deciding to accept or reject the offer, the system automatically withdraws

(disconnect), see abstract); re-connecting said server terminal to said client device

(i.e., updates, see col. 14, lines 10-25); and transferring said subsequent

communication regarding said subsequent event from said server terminal to said

client device (The FX Order Server regularly receives and monitors FX rates received

directly from the Rate Server, and updates the Order Blotter accordingly 732. In turn,

the client PC, when receiving the updated Order Blotter information from the FX Order

Server, gives an audio and visual warning when an order is 3% away (subsequent

events) from a target FX rate and changes the color-code. The warning is repeated

when an order is 1% away (subsequent events), see col. 14 lines 10-25).

**Re claim 13.** Potter discloses a method for processing electronic transactions, said

method comprising: a server terminal and a client device (see fig.1)g; and means

arranged for selectively connecting said client device to said server terminal, said

server terminal being selectively operable for: receiving input by a server terminal from

a client device over a first communication port to initiate an electronic transaction (i.e.,

By inputting information in response to prompts on the screen, the system quickly

identifies the nature of the transaction the customer desires and the customer inputs

the characteristics of the transaction the user desires. The system then automatically

generates an offer in response to the customer's request based upon a number of

parameters including the market price, the size and nature of the transaction and the

size and nature of the client, see the abstract, also see col.6, lines 8-45); said

electronic transaction requiring a subsequent communication of an occurrence of a

subsequent event from said server terminal to said client device (i.e., The FX Order

Server regularly receives and monitors FX rates received directly from the Rate Server,

and updates the Order Blotter accordingly 732. In turn, the client PC, when receiving

the updated Order Blotter information from the FX Order Server, gives an audio and

visual warning when an order is 3% away (subsequent events) from a target FX rate

and changes the color-code. The warning is repeated when an order is 1% away

(subsequent events), see col. 14 lines 10-25), establishing a second communication

port on said client device for directly coupling said server terminal to said client device

(note, the step of establishing a communication port between a client and a server for a

transaction i.e., to transmit data, and establishing another communication port (second

communication port) for coupling server terminal to said client device to receive data

can be implemented in any TCP/IP enabled full duplex data communication device, a

full duplex transmission uses two communication channel (ports) so that devices on

each end of the transmission can transmit and receive data at the same time, this is

like two lane road i.e., travel is permitted in both directions, each direction of travel in a

designated lane, Potter operates in a TCP/IP enabled full duplex communication

environment (see fig. 1), thus inherently very well satisfies this condition),

disconnecting said server terminal from said client device (i.e., if the customer delays

for too long a period of time to accept in deciding to accept or reject the offer, the

system automatically withdraws (disconnect), see abstract); re-connecting said server

terminal to said client device (i.e., updates, see col. 14, lines 10-25); and transferring

said subsequent communication regarding said subsequent event from said server

terminal to said client device (The FX Order Server regularly receives and monitors FX

rates received directly from the Rate Server, and updates the Order Blotter accordingly

732. In turn, the client PC, when receiving the updated Order Blotter information from

the FX Order Server, gives an audio and visual warning when an order is 3% away

(subsequent events) from a target FX rate and changes the color-code. The warning is

repeated when an order is 1% away (subsequent events), see col. 14 lines 10-25).

**Re claims 2, 14**: Potter further discloses a method further including: detecting receipt of

said transaction information by said client device (i.e., audio and visual warning, see

col.14, lines 10-25); and providing an audio effect by said client device upon detection

of receipt of said transaction information (see col.14, lines 10-25).

**Re claims 7, 19:** Potter further teaches the method wherein said electronic transaction

comprises a purchase of an item by a client using said client device (see abstract).

**Re claims 9 and 21:** Potter further discloses the method wherein said client device is a

computer system connected to said server terminal (see fig.1, see abstract, and also

see col. 6, lines 40-45).

**Re claim 25, 26, 28**: claims 25, 26, 28 recite similar limitations to claim 13 above and

are therefore rejected using the same art and rationale as applied in the rejection of

claim 13.

**Re claim 27.** Claim 27 recites similar limitations to claim 2, and thus rejected using the

same art and rationale in the rejection of claim 2.

### *Claim Rejections - 35 USC § 103*

5.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

6.      **Claims 3-6, and 15-18** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Potter.

**Re claims 3-6, and 15-18:** Potter further discloses a method wherein said audio effect

comprises an alert signal effective to alert a client that said transaction information has

been received (col .14, lines 14-25), said client device further including client input

means arranged for enabling a client to select specific date and time for receiving audio

warnings (i.e., client can specify specific date and time for receiving a GUC reminder

from the client PC, see col. 13, lines 1-10). Potter does not explicitly disclose the

limitation "select characteristics of audio effect." However, selecting characteristics of

audio effect is old and well known in the art. Take for example, a cell phone or a pager,

a cell phone user can customize his phone ringer (select characteristics) to trigger

different audio effect/alert for different callers or different calls received. Thus, it would

have been obvious to one of ordinary skill in the art at time of the invention to

incorporate this well known scheme in Potter to select the desired characteristics of

audio effect to notify/warn the client of important changes in transaction information.

7.      **Claims 10-12, 22-24** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Potter in view of Davis (U.S. Patent 6,041,314).

**Re claims 10-12, and 22-14.** Potter does not explicitly disclose the method wherein

said client device is a wireless device, cellular device, and a portable device. However,

Davis makes this disclosure (see col.3, lines 15-29, see col.19, lines 17-20, also see

col.3, lines 15-29). Thus it would have been obvious to one of ordinary skill in the art to

combine potter and Davis to provide financial transactions access platform to mobile

clients.

8.      **Claims 8, 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Potter in view of Harrington et al (Harrington hereinafter: U.S Patent 6,161,099)

**Re claims 8 and 20**: Potter does not explicitly disclose the method wherein said

electronic transaction comprises an auction transaction wherein bids for an item being

auctioned are sent by said client device and received by said server terminal, said

server terminal being operable for: receiving bids for said item by said server terminal;

determining when a previously received bid is no longer a winning bid; and sending

notice that said previously received bid is no longer a winning bid, said notice

comprising said transaction information sent over said second communication port.

However, Harrington discloses an electronic auction transaction method wherein bids

for an item being auctioned are sent by said client device and received by said server

terminal, said server terminal being operable for: receiving bids for said item by said

server terminal; determining when a previously received bid is no longer a winning bid;

and sending notice that said previously received bid is no longer a winning bid (see

Summary of The Invention), said notice comprising said transaction information sent

over said second communication port (note, the step of establishing a communication

port between a client and a server for a transaction i.e., to transmit data, and

establishing another communication port (second communication port) for coupling

server terminal to said client device to receive data can be implemented in any TCP/IP

enabled full duplex data communication device, a full duplex transmission uses two

communication channel (ports) so that devices on each end of the transmission can

transmit and receive data at the same time, this is like two lane road i.e., travel is

permitted in both directions, each direction of travel in a designated lane, Harrington

operates in a TCP/IP enabled full duplex communication environment (see fig. 1), and

thus very well satisfies this condition) Thus, it would have been obvious to one of

ordinary skill in the art at time of the invention to send to the client device a bidding

transaction information via a second communication port.

### *Response to Arguments*

9.      Applicant's arguments filed October 19, 2004 have been fully considered but with

respect to the pending claims are moot in view of the new ground(s) of rejection.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to OJO O. OYEBISI whose telephone number is (571)

272-8298.  The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, HYUNG S. SOUGH can be reached on (571)272-6799.  The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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